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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NATIONAL LABOR RELATIONS BOARD,
ON BEHALF OF TRADESOURCE, INC.**

Applicant,

Misc. No. 15-MC- 207

v.

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 98**

Respondent.

FILED

AUG 13 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

**APPLICATION FOR ORDER ENFORCING
ADMINISTRATIVE SUBPOENA DUCES TECUM**

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania:

The National Labor Relations Board ("Board"), an administrative agency of the Federal Government, created pursuant to the National Labor Relations Act ("Act"), as amended (29 U.S.C. § 151 et seq.), respectfully applies to this honorable court, at the request and on behalf of TradeSource, Inc., ("TradeSource") pursuant to Section 11(2) of the Act (29 §161(2)), for an order requiring International Brotherhood of Electrical Workers, Local 98 ("IBEW Local 98") to

comply with a subpoena duces tecum issued by TradeSource and, on information and belief, duly served on IBEW Local 98 in the manner provided by law. In support of this application, the Board respectfully shows as follows:

1. This Court has jurisdiction over the subject matter of this proceeding and of TradeSource, by virtue of Section 11(2) of the Act. The Board's administrative hearing, in which IBEW Local 98 was subpoenaed to produce documents, was held in Philadelphia, Pennsylvania, a location within this judicial district.
2. Pursuant to the provisions of Section 6 of the Act, the Board has issued Rules and Regulations ("Rules") governing the conduct of its operations, which Rules have been duly published in the Federal Register (24 F.R. 9095), as provided for in the Administrative Procedures Act (5 U.S.C. § 552). This court may take judicial notice of the Rules by virtue of 44 U.S.C. § 1507.
3. This application arises as a result of events in unfair labor practice charges currently pending before the Board pursuant to Section 10(b) of the Act (28 U.S.C. § 160(b)). The charges are TradeSource, Inc., Cases 04-CA-134287 and 04-CA-149042. Attached as Exhibit 1 are true and correct copies of the charges in this matter.
4. After the charges were investigated by Region 4 of the Board, the Regional Director of Region 4 issued a consolidated complaint and notice of hearing on June 24, 2015, alleging that TradeSource has been engaging in, and continues to engage in unfair labor practices in violation of Section 8(a)(1), (3) and (4) of the Act (29 U.S.C. § 158(a)(1), (3) and (4)). Among other things, the consolidated complaint alleges that TradeSource has been unlawfully refusing to consider and hire employees because the employees are affiliated with IBEW Local 98.

5. Cases 04-CA-134287 and 04-CA-149042 were consolidated in order to reduce trial time and expense. TradeSource filed an answer to the consolidated complaint denying that it violated the Act. Copies of the consolidated complaint and answer are attached as Exhibit 2. The charges, consolidated complaint and answer were prepared, filed and served consistent with the requirements of Section 10(b) of the Act and of 29 C.F.R. Sections 102.9, 102.10, 102.15 and 102.20 of the Board's Rules.

6. In relation to the charges and consolidated complaint described in paragraphs 3 and 4 above, TradeSource requested and received a subpoena duces tecum from the Board. On March 31, 2015, TradeSource issued subpoena duces tecum B-720475 ("the subpoena") directing IBEW Local 98's Custodian of Records to appear at a hearing before an administrative law judge of the Board at 615 Chestnut Street, 7th floor, Philadelphia, PA 19106-4404, and to then and there provide documents as requested in the subpoena. True and correct copies of the subpoena and proof of service are attached as Exhibit 3.

7. On information and belief, the issuance of the subpoena described above in paragraph 6 is consistent with the requirements of Section 11(1) of the Act and Section 102.31 of the Rules. On information and belief, the subpoena was duly served on IBEW Local 98 on March 31, 2015. On information and belief, service complied with Section 11(4) of the Act (29 U.S.C. § 161(4)) and Section 102.114 of the Rules.

8. On July 14 and 15, 2015, a hearing on the consolidated complaint described above in paragraph 4 was held before the Honorable Robert Giannasi, Chief Administrative Law Judge of the Board, at Philadelphia, Pennsylvania. IBEW Local 98 appeared at the hearing, provided some documents to TradeSource at the hearing, and did not file a petition to revoke the subpoena.

9. On August 6, 2015, TradeSource submitted to Counsel for the General Counsel of the National Labor Relations Board a written request that the Board institute subpoena enforcement proceedings in this Court pursuant to Section 102.31(d) of the Rules. The written request is attached as Exhibit 4.

10. In its request, TradeSource asserts that IBEW Local 98 has failed to comply fully with the subpoena.

11. On information and belief, IBEW Local 98's refusal to produce the subpoenaed documents, which TradeSource asserts are relevant to the issues in the proceeding before the Board, constitutes contumacious conduct within the meaning of Section 11(2).

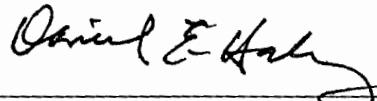
WHEREFORE, the Applicant, the National Labor Relations Board, at the request of and on behalf of TradeSource, respectfully requests:

1. That an order to show cause issue directing IBEW Local 98 to appear before this Court on a date specified in the order and to show cause why an order should not issue directing IBEW Local 98 to comply fully with TradeSource's subpoena duces tecum;
2. After considering arguments in response to the order to show cause, that this Court issue an order requiring IBEW Local 98 to appear before Judge Giannasi, at a time and place to be fixed by Judge Giannasi, and to produce documents fully responsive to TradeSource's subpoena; and
3. That the Court grant such other relief as may be necessary and appropriate.

DATED at Philadelphia, PA this 13th day of August, 2015.

National Labor Relations Board

By: Richard F. Griffin, Jr., General Counsel
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